

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARK S. HUBBARD, )  
 )  
Petitioner, )  
 )  
v. ) No. 4:08CV1505 HEA  
 )  
STEVE LARKINS, )  
 )  
Respondent. )

**ORDER**

Before the Court is petitioner's motion for certificate of appealability and to proceed in forma pauperis on appeal. The Court will grant the motion in part and deny it in part. The Court will not issue a certificate of appealability for the same reasons put forward in its March 4, 2010, Opinion Memorandum. The Court will, however, allow petitioner to proceed in forma pauperis on appeal.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for certificate of appealability and to proceed in forma pauperis on appeal [Doc. #27] is **granted in part and denied in part**. The Court will not issue a certificate of appealability. Petitioner may proceed in forma pauperis on appeal.

Dated this 28th day of October, 2010.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE